

**FILED**

OCT 2 2019

Clerk, U S District Court  
District Of Montana  
Billings

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL GARETH LACELLE,

Defendant.

CR 97-45-BLG-SPW

ORDER DENYING MOTION  
FOR EARLY TERMINATION  
OF SUPERVISION

On September 20, 2019, Mr. Lacelle filed a motion for early termination of his supervised release. (Doc. 616.) The United States objected to the motion and filed its response the following week. (Doc. 618.)

The Court revoked Mr. Lacelle's supervised release in July 2014 after Mr. Lacelle admitted to consuming alcohol, and the Court sentenced him to 3 months of imprisonment. (Doc. 571.) Then, in December 2016, the Court again revoked Mr. Lacelle's supervised release after he consumed alcohol and drove under the influence. (Docs. 585, 595.) The Court sentenced him to 13 months of imprisonment. (*Id.*)

18 U.S.C. § 3583(e) provides a court may, after considering several factors from § 3553(a), terminate a term of supervised release "if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of

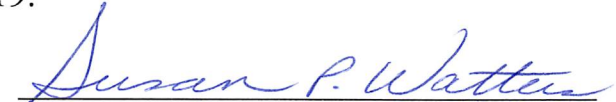
justice.” The Court looks at “the nature and circumstances of the offense and the history and characteristics of the defendant”; the need “to afford adequate deterrence to criminal conduct,” “to protect the public from further crimes of the defendant,” and “to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner”; the advisory Guideline range; any pertinent policy statement issued by the Sentencing Commission; sentencing disparities; and any outstanding restitution obligations. Section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), (a)(7). Most often, courts reserve early termination for defendants who exhibit “exceptionally good behavior” while on release. *United States v. Lussier*, 104 F.3d 32, 36 (2d Cir.1997) (cited in *United States v. Smith*, 219 Fed. Appx. 666, 668 (9th Cir. 2007) (unpublished)).

After reviewing Mr. Lacelle’s history while on supervision, the factors under 18 U.S.C. § 3553(a), and pursuant to 18 U.S.C. § 3583(e), the Court finds early termination of Mr. Lacelle’s supervised release would be inappropriate. Mr. Lacelle is certainly making strides toward improving his life and moving on from his past criminal conduct; the Court commends him for that effort. However, given the serious nature of Mr. Lacelle’s past two revocations, the Court is not prepared to terminate his supervision at this time. Accordingly,

IT IS HEREBY ORDERED that the Mr. Lacelle's motion (Doc. 616) is  
DENIED.

The Clerk shall notify the parties and the U.S. Probation Office of this Order.

DATED this 1<sup>st</sup> day of October, 2019.

  
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SUSAN P. WATTERS  
United States District Judge